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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JACQUELINE PUZAS,

9 Plaintiff,

10 v.

11 KING COUNTY ET AL.,

12 Defendants.

CASE NO. 23-cv-01656

ORDER REGARDING REPORT AND
RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation
15 (“R&R”) of the Honorable Michelle L. Peterson, United States Magistrate Judge,
16 and Plaintiff Jacqueline Puzas’s objection the R&R. Dkt. Nos. 3, 5. Judge Peterson
17 recommends that Puzas’s case be dismissed and her IFP application be denied as
18 moot because she failed to correct a deficiency in her filing. Dkt. No. 3. But because
19 the Local Civil Rule the R&R relied upon has since been amended, the Court
20 declines to adopt the R&R as explained further below.

21 As the R&R correctly recounts, the Clerk’s office notified Puzas that her
22 “Complaint and Motion for Emergency Injunctive Relief and Appointment of Legal
23 Representation as filed was/were not properly signed.” Dkt. Nos. 2, 3. The notice

1 also stated that Puzas's failure to correct the deficiency may result in dismissal of
2 her case. *See id.* The Clerk's office instructed Puzas to correct the filing deficiency
3 by November 13, 2023. Dkt. No. 2. Because the deficiency was not timely corrected,
4 the R&R issued on November 15, 2024, recommending dismissal. Dkt. No. 3.

5 Puzas objected to the R&R on December 4, 2023, stating that she in fact filed
6 corrected documents on October 30, 2023, at 4:28 P.M. and that "[t]he clerk
7 confirmed receipt of the cured documents on October 30, 2023, at 4:36 P.M." Dkt.
8 No. 5 at 1. Puzas also claims she did not receive the document filed under Dkt. No.
9 1, which is her signed IFP application and supporting documents. She claims that
10 the deficiency letter, Dkt. No. 2, was "delayed" and showed signs of "tampering."
11 Dkt. No. 5. As attachments, Puzas included what appears to be an email to
12 "newcases.seattle@wawd.uscourts.gov" sent on October 30, 2023, at 4:28 P.M., as
13 well as a response stating, "Got it, thanks!" from that same email address. Dkt. No.
14 5-1 at 1. Puzas's objection, however, did not include a corrected, signed, version of
15 her complaint. *See id.*

16 The Court "must determine de novo any part of the magistrate judge's
17 disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3). Rule 72(b)(2)
18 provides that "a party may serve and file specific written objections to the proposed
19 findings and recommendations." In her objection, Puzas contends that she *did*
20 correct her complaint's deficiency as directed by the Clerk's office. Dkt. No. 5. As
21 Judge Peterson correctly found, Puzas did not correct the filing deficiency as
22 directed. *See* Dkt.

1 Puzas claims the Clerk's deficiency letter was "delayed" and that it
2 "tamper[ed]" with, which is supported by the record given that the letter was
3 returned to the Clerk's office as undeliverable. Dkt. No. 5 at 1. This alone does not
4 excuse Puzas's failure to "physically sign[]" her complaint as the notice advised,
5 Dkt. No. 2, and as required by Rule 11 and LCR 83.2, since pro se litigants are
6 required to keep the Court up-to-date about their current mailing address, LCR 41.
7 But it supports the reasonable conclusion that she was unaware of the specific
8 nature of the deficiency.


9 But the circumstances have changed since the R&R found Puzas's pleadings
10 were lacking because her filings did not include a physical signature. The District
11 recently amended its Electronic Filing Procedures in April 2024, striking the
12 original signature requirement. *See* [https://www.wawd.uscourts.gov/attorneys/how-](https://www.wawd.uscourts.gov/attorneys/how-to-e-file)
13 *to-e-file*. Thus, under the amended rule, the "s/" electronic signature Puzas
14 originally provided would now be acceptable.

15 Generally, failure to follow a court's local rules is grounds for dismissal.
16 *United States v. Warren*, 601 F.2d 471, 473 (9th Cir. 1979). The Court finds,
17 however, that the public's interest in expeditious resolution of this case, the Court's
18 need to manage its docket, the interest of deciding this case on its merits, the fact
19 that no defendants have appeared yet to be prejudiced, and the fact that Puzas's
20 pleadings comply with the current Local Rules, weigh against dismissal. *See*
21 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

22 Accordingly, the Court declines to adopt the R&R and refers this matter back
23 to Judge Peterson to consider Puzas's IFP application and for other proceedings.

1 It is so ORDERED.

2 Dated this 27th day of June, 2024.

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5 Jamal N. Whitehead
6 United States District Judge
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